

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Kathleen Hafer,)
)
)
)
Plaintiff,)
)
)
v.) **No. 13-2340**
)
)
Medtronic, Inc., and Medtronic)
Sofamor Danek USA, Inc.,)
)
)
Defendants.)
)
)

ORDER

Before the Court is the Clerk of Court's July 29, 2013 Report and Recommendation recommending that the Court transfer this case and each of its Companion Cases ("Medtronic cases") to Judge John T. Fowlkes, Jr. (the "Report"). (Report and Recommendation, ECF No. 15.) For the following reasons, the Report is ADOPTED, and all of the Medtronic cases assigned to this judge are transferred to Judge John T. Fowlkes, Jr.

On January 3, 2013, Medtronic, Inc. and Medtronic Sofamor Danek USA, Inc. ("Defendants") removed the first of the Medtronic cases from Shelby County Circuit Court. (Report, ECF No. 15 at 1.) That case was randomly assigned to Judge John T. Fowlkes, Jr. (Id.) The Medtronic cases involve the same

product (Defendants' Infuse® Bone Graft device) and similar claims, and Defendants are represented by the same counsel. (*Id.* at 2.) The Clerk of Court has concluded that the cases "arise out of or are connected with the same transaction, condition or occurrence and thus share similar fact patterns and common legal issues." (*Id.* at 2) The cases subject to the Report (including this case) are Hafer v. Medtronic, Inc. et al., 2:13-cv-02340-SHM-dkv, Stiles v. Medtronic, Inc. et al., 2:13-cv-02341-SHM-dkv, Rowland v. Medtronic, Inc. et al., 2:13-cv-02343-SHM-dkv, Speer v. Medtronic, Inc. et al., 2:13-cv-02344-SHM-tmp, Napier v. Medtronic, Inc. et al., 2:13-cv-02349-SHM-tmp, Detty et al. v. Medtronic, Inc. et al., 2:13-cv-02396-SHM-dkv, Willis et al. v. Medtronic, Inc. et al., 2:13-cv-02433-SHM-dkv, Williams v. Medtronic, Inc. et al., 2:13-cv-02488-SHM-dkv, and Martin v. Medtronic, Inc. et al., 2:13-cv-02644-SHM-dkv.

As a matter of judicial economy, these cases "ought to be processed by one Judge . . . in order to avoid an otherwise unnecessary multiplicity of trials and pretrial proceedings." (Report, ECF No. 15 at 2.)

For the foregoing reasons, the Report is ADOPTED, and each of the Medtronic cases described above is transferred to Judge John T. Fowlkes, Jr.

So ordered this 22nd day of October, 2013.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE